

1 JOHN L. BURRIS (SBN# 69888)  
 2 Law Offices of John L. Burris  
 Airport Corporate Center  
 3 7677 Oakport Road, Suite 1120  
 Oakland, California 94621  
 (510) 839-5200

4 JAMES B. CHANIN (SBN# 76043)  
 JULIE M. HOUK (SBN# 114968)  
 5 Law Offices of James B. Chanin  
 3050 Shattuck Avenue  
 6 Berkeley, California 94705  
 (510) 848-4752

7  
 8 Attorneys for Plaintiffs  
 9

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA  
 12

13 DARIUS ESTERS, individually and as)  
 a successor of MAURICE ESTERS, ) CASE NO. \_\_\_\_\_  
 by and through his guardian ad )  
 14 litem, Alisha Hughes; MAURIANA )  
 ESTERS, individually and as a )  
 15 successor of MAURICE ESTERS, )  
 by and through her guardian ad )  
 16 litem, Carla Renee National, ) COMPLAINT FOR DAMAGES

17 ) (42 U.S.C. Section 1983)

18 Plaintiffs, )

19 vs. )

20 CITY OF OAKLAND, a municipal ) JURY TRIAL DEMANDED  
 corporation; MICHAEL YOELL, )  
 21 individually and in his capacity )  
 as a Sergeant of Police for the )  
 City of Oakland; A. CENTENO, )  
 22 individually and in his capacity )  
 as a Police Officer for the City )  
 23 of Oakland, DOES 1-100, inclusive, )

24 Defendants. )

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COMPLAINT

JURISDICTION

1           1.     This action arises under 42 U.S.C. Section 1983.  
2           Jurisdiction is based on 28 U.S.C. Sections 1331 and 1343.

INTRADISTRICT ASSIGNMENT

3           2.     The claims alleged herein arose in the City of  
4           Oakland, State of California. Therefore, venue and assignment lies  
5           in the United States District Court for the Northern District of  
6           California, San Francisco Division. 28 U.S.C. Section 1391(b)(2)  
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PARTIES

8           3.     The Decedent, MAURICE ESTERS (hereinafter, the  
9           Decedent), was an African American male and was the father of the  
10          minor Plaintiffs, DARIUS ESTERS and MAURIANA ESTERS. The Decedent  
11          was shot and killed by members of the CITY OF OAKLAND Police  
12          Department on or about July 4, 2000, and died as a result thereof in  
13          Oakland, California.  
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15          4.     Plaintiff, DARIUS ESTERS, is the minor son of the  
16          Decedent, MAURICE ESTERS, and is a person with standing to bring the  
17          within action for the violation of the Decedent's constitutional  
18          rights under 42 U.S.C. Section 1983 as a successor of the Decedent  
19          pursuant to California Code of Civil Procedure Section 377.60.  
20          Plaintiff, DARIUS ESTERS, by and through his guardian ad litem,  
21          Alisha Hughes, does hereby bring this action on his own behalf and  
22          as a successor in interest of MAURICE ESTERS pursuant to California  
23          Code of Civil Procedure Section 377.60.  
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1           5.     Plaintiff, MAURIANA ESTERS, is the minor daughter of  
2     the Decedent, MAURICE ESTERS, and is a person with standing to bring  
3     the within action for the violation of the Decedent's constitutional  
4     rights under 42 U.S.C. Section 1983 as a successor of the Decedent  
5     pursuant to California Code of Civil Procedure Section 377.60.  
6     Plaintiff, MAURIANA ESTERS, by and through her guardian ad litem,  
7     Carla Renee National, does hereby bring this action on her own behalf  
8     and as a successor in interest of MAURICE ESTERS, pursuant to  
9     California Code of Civil Procedure Section 377.60.

10           6.     Defendant CITY OF OAKLAND is, and at all times herein  
11     mentioned was, a municipal corporation duly organized and existing  
12     under the laws of the State of California.

13           7.     Defendant RICHARD WORD (hereinafter, Defendant WORD),  
14     is, and at all times herein mentioned was, the Chief of Police for  
15     the CITY OF OAKLAND. Defendant WORD is sued in his individual and  
16     official capacities. At all times mentioned herein, Plaintiffs are  
17     informed and believe and thereon allege that Defendant WORD was the  
18     policy-maker for Defendant CITY OF OAKLAND on the matters alleged  
19     herein related to the customs, policies, practices, of the CITY OF  
20     OAKLAND Police Department, including, but not limited to, customs,  
21     policies and practices related to the training, supervision, hiring  
22     and discipline of police officers and with respect to the management  
23     and supervision of the CITY OF OAKLAND Police Department. Defendant  
24     WORD is sued herein in his official and individual capacities.

1           8. Defendant MICHAEL YOELL (hereinafter Defendant YOELL)  
2 was at all times herein mentioned, a Police Sergeant for the CITY OF  
3 OAKLAND and is sued herein in his individual and official capacities.

4           9. Defendant A. CENTENO (hereinafter Defendant CENTENO)  
5 was at all times herein mentioned, a Police Officer for the CITY OF  
6 OAKLAND and is sued herein in his individual and official capacities.

7           10. Plaintiffs are ignorant of the true names and/or  
8 capacities of defendants sued herein as DOES 1 through 100,  
9 inclusive, and therefore sues said defendants by such fictitious  
10 names. Plaintiffs will amend this complaint to allege their true  
11 names and capacities when ascertained. Plaintiffs are informed and  
12 believe, and upon such information and belief allege, that each of  
13 the Doe defendants is legally responsible and liable for the  
14 incident, injuries and damages hereinafter set forth, and that each  
15 of said defendants proximately caused said incidents, injuries and  
16 damages by reason of their negligence, breach of duty, negligent  
17 supervision, management or control, battery, violation of  
18 constitutional rights, violation of public policy, false arrests, or  
19 by reason of other personal, vicarious or imputed negligence, fault,  
20 or breach of duty, whether severally or jointly, or whether based  
21 upon agency, employment, ownership, entrustment, custody, care or  
22 control or upon any other act or omission. Plaintiffs will ask leave  
23 to amend this complaint to insert further charging allegations when  
24 such facts are ascertained.

11. In doing the acts alleged herein, Defendants, and each of them, acted within the course and scope of their employment for the CITY OF OAKLAND.

12. In doing the acts and/or omissions alleged herein, Defendants, and each of them, acted under color of authority and/or under color of law.

13. In doing the acts and/or omissions alleged herein, Defendants, and each of them, acted as the agent, servant, employee and/or in concert with each of said other Defendants herein.

STATEMENT OF FACTS

14. On or about July 4, 2000, Plaintiffs are informed and believe and thereon allege that the Decedent, MAURICE ESTERS, fell asleep, was unconscious and/or was non-responsive while in his automobile located in the vicinity of the intersection of 35<sup>th</sup> Avenue and MacArthur Blvd., in Oakland, California.

15. Plaintiffs are further informed and believe and thereon allege that City of Oakland Police Officers noticed the Decedent asleep or unconscious in his vehicle and approached the vehicle to investigate.

16. Plaintiffs are further informed and believe and thereon allege that when one of the police officers looked into the Decedent's vehicle, he noticed that the Decedent was unresponsive and that there was a revolver on his lap.

17. Plaintiffs are informed and believe and thereon

1 allege that the officer called for back up and other City of Oakland  
2 Police Department units began arriving on the scene, including, but  
3 not limited to, Defendants YOELL, CENTENO and/or DOES 1-100, and/or  
4 each of them.

5 18. Plaintiffs are informed and believe and thereon  
6 allege that after additional police units and supervisors arrived on  
7 the scene, an order and/or orders were issued to officers not to  
8 approach the vehicle or otherwise startle the Decedent because of the  
9 potential danger to both the Decedent and to other persons in the  
10 area. Plaintiffs are further informed and believe and thereon allege  
11 that for approximately thirty minutes or more, the Decedent remained  
12 asleep or otherwise unconscious in his vehicle without incident.

13 19. Nevertheless, Plaintiffs are informed and believe and  
14 thereon allege that a member of the CITY OF OAKLAND Police Department  
15 began firing bean bag rounds at the Decedent's vehicle and that at  
16 least one of the bean bags shattered one of the windows of the  
17 Decedent's automobile.

18 20. Shortly thereafter, Plaintiffs are informed and  
19 believe and thereon allege that the Decedent's vehicle then began to  
20 move forward slowly on MacArthur Blvd.

21 21. Plaintiffs are informed and believe and thereon  
22 allege that despite previous orders directing officer to not  
23 approach the Decedent's vehicle and/or to avoid startling the  
24 Decedent, Defendants YOELL, CENTENO and/or DOES 1-100, and/or each

1 of them, began following the Decedent's vehicle on foot with their  
2 firearms drawn.

3 22. Thereafter, Plaintiffs are informed and believe and  
4 thereon allege that Defendants YOELL, CENTENO and/or DOES 1-100,  
5 and/or each of them, unnecessarily and/or in violation of orders,  
6 rules, regulations and/or directives, provoked a confrontation with  
7 the Decedent and fired their weapons multiple times at the Decedent,  
8 killing him. Plaintiffs are informed and believe and thereon allege  
9 that the use of lethal force by Defendants YOELL, CENTENO and/or DOES  
10 1-100 and/or each of them, was excessive, unnecessary, and/or in  
11 violation of rules, orders, regulations and/or other directives of  
12 their supervisors and/or of the CITY OF OAKLAND Police Department

13 23. Plaintiffs are informed and believe and thereon  
14 allege that Defendants YOELL, CENTENO and/or DOES 1-100, and/or each  
15 of them, subjected the Decedent to the use of excessive force because  
16 of his race and/or gender in violation of the Equal Protection Clause  
17 of the Fourteenth Amendment to the United States Constitution.

18 24. Plaintiffs are informed and believe and thereon  
19 allege that the acts and/or omissions of Defendants YOELL, CENTENO  
20 and/or DOES 1-100, and/or each of them, were intentional, malicious,  
21 oppressive and/or done with reckless, callous and/or conscious  
22 disregard for the rights of the Decedent.

23 25. Plaintiffs are further informed and believe and  
24 thereon allege that the acts and/or omissions of Defendants YOELL,



1 CENTENO and/or DOES 1-100 and/or each of them, were done with  
2 deliberate indifference to the rights of the Plaintiffs.

3 26. Plaintiffs are informed and believe and thereon  
4 allege that Defendant CITY OF OAKLAND, including, but not limited to  
5 Defendants WORD, DOES 1-100, and/or other high ranking police  
6 department officials and/or supervisors, individually and/or acting  
7 in concert with one another, were on notice of a repeated pattern of  
8 misconduct, including, but not limited to, the use of excessive  
9 force, by Defendants YOELL, CENTENO, DOES 1-100, and/or each of them,  
10 but failed to take any or appropriate remedial action to stop said  
11 conduct prior to the subject incident.

12 27. Plaintiffs are further informed and believe and  
13 thereon allege that prior to the subject incident, Defendants CITY  
14 OF OAKLAND, WORD and/or DOES 1-100, and/or each of them, were on  
15 notice of prior incidents in which Defendant YOELL was alleged to  
16 have used excessive force against citizens, including, but not  
17 limited to, prior incidents involving the discharge of weapons at  
18 citizens. Nevertheless, Defendants CITY OF OAKLAND, WORD and/or DOES  
19 1-100, and/or each of them, acting with deliberate indifference,  
20 failed to take any or appropriate remedial action, including, but not  
21 limited to, remedial training, disciplinary action and/or  
22 reassignment, to prevent Defendant YOELL from continuing to subject  
23 citizens to excessive force and/or other violations of the  
24 constitutional rights.

1           28. Plaintiffs are further informed and believe and  
2 thereon allege that Defendant CITY OF OAKLAND, including, but not  
3 limited to Defendants WORD, DOES 1-100, and/or other high ranking  
4 police department officials and/or supervisors, individually and/or  
5 acting in concert with one another, were on notice of a the need for  
6 more and/or different training, supervision and/or discipline of  
7 Defendants YOELL, CENTENO, DOES 1-100, and/or each of them, but  
8 failed to take any or appropriate such action prior to the subject  
9 incident.

10           29. Plaintiffs are further informed and believe and  
11 thereon allege that Defendant CITY OF OAKLAND, including, but not  
12 limited to Defendants WORD, DOES 1-100, and/or other high ranking  
13 police department officials and/or supervisors, individually and/or  
14 acting in concert with one another, were on notice of a a custom,  
15 policy, pattern and/or repeated practice of members of the CITY OF  
16 OAKLAND Police Department wherein African American males, such as the  
17 Decedent, were subjected to excessive force by members of the CITY  
18 OF OAKLAND Police Department, including, but not limited to,  
19 Defendants YOELL, CENTENO, and/or DOES 1-100, and/or each of them,  
20 but failed to take any or appropriate such action prior to the  
21 subject incident.

22           30. Plaintiffs are further informed and believe and  
23 thereon allege that they and/or the Decedent suffered the violation  
24 of their/his constitutional rights as a result of customs, policies,

1 or practices of the CITY OF OAKLAND, Defendants WORD, DOES 1-100, and  
2 each of them, individually and/or acting in concert with one another,  
3 including, but not limited to, customs, policies or practices which  
4 encouraged, authorized or condoned the use of excessive force which  
5 foreseeably resulted in the violation of the rights of the Decedent  
6 and/or Plaintiffs.

7 31. Plaintiffs are further informed and believe and  
8 thereon allege that they and/or the Decedent suffered the violation  
9 of their/his constitutional rights as a result of customs, policies  
10 or practices of the CITY OF OAKLAND, Defendants WORD, DOES 1-100,  
11 individually and/or acting in concert with one another, including,  
12 but not limited to, a custom, policy or practice of failing to  
13 identify officers, such as Defendants YOELL, CENTENO, DOES 1-100, or  
14 each of them, with frequent and/or excessive histories of the use of  
15 force, citizens' complaints and/or other misconduct and of failing  
16 to promptly discipline, train and/or reassign said officers to  
17 prevent the violation of the constitutional rights of citizens.

18 32. Plaintiffs are further informed and believe and  
19 thereon allege that as a result of the CITY OF OAKLAND's policy of  
20 deliberate indifference, a custom or practice developed within the  
21 Oakland Police Department whereby it was accepted practice for police  
22 officers to abide by a "Code of Silence." Under this Code, police  
23 officers charged with upholding the law routinely ignored or  
24 otherwise failed to report or take action against fellow police

1 officers who engaged in misconduct, including, but not limited to,  
2 Defendants YOELL, CENTENO, DOES 1-100 and/or each of them.

3 33. Plaintiffs are further informed and believe and  
4 thereon allege that Defendants WORD, DOES 1-100, and/or each of them,  
5 tacitly or directly ratified, approved, condoned and/or otherwise  
6 encouraged a pattern, practice, custom or policy of excessive force,  
7 other misconduct and/or civil rights violations by Defendants YOELL,  
8 CENTENO, DOES 1-100, and/or each of them.

9 34. Plaintiffs are further informed and believe and  
10 thereon allege that Defendants WORD, DOES 1-100, and/or each of them,  
11 tacitly or directly ratified, approved and/or condoned the shooting  
12 of the Decedent in this case and failed to take any or appropriate  
13 remedial action in response to this incident despite serious nature  
14 of the incident and the loss of life that occurred.

#### 15 **CLAIMS FOR RELIEF**

##### 16 FIRST CLAIM FOR RELIEF

17 (42 U.S.C. SECTION 1983)  
18 (PLAINTIFFS AS SUCCESSORS OF DECEDENT MAURICE ESTERS  
19 AGAINST DEFENDANTS YOELL, CENTENO, DOES 1-100)

20 35. Plaintiffs incorporates by reference and re-  
21 alleges herein Paragraphs 1 through 34.

22 36. In doing the acts complained of herein, Defendants  
23 YOELL, CENTENO, DOES 1 through 100, individually and/or while  
24 acting in concert with one another, did act under color of state  
25 law to deprive the Decedent as alleged heretofore of certain

constitutionally protected rights, including, but not limited to:

(a) the right not to be deprived of liberty without  
Due Process of Law;

(b) the right to be free from unreasonable searches  
and/or seizures;

(c) the right to be free from pre-trial punishment;

(d) the right to be free from discrimination based on  
race and/or gender; and/or

(e) the right to Equal Protection of the Law.

37. Said rights are substantive guarantees under the  
Fourth and/or Fourteenth Amendments to the United States  
Constitution.

38. As a result of the violation of the Decedent's  
constitutional rights as alleged herein, Decedent suffered  
injuries and damages, including, but not limited to, pain,  
suffering, emotional distress; loss of the enjoyment of life;  
special damages, including, but not limited to, future income and  
wage loss; funeral and burial expenses, medical and/or related  
expenses, interference with his right of society, comfort and  
affection with the Plaintiffs and other general and special  
damages to be determined according to proof.

39. The acts and/or omissions of Defendants YOELL,  
CENTENO and/or DOES 1-100 and/or each of them, were intentional,  
malicious, oppressive and/or done with a conscious, callous

1 and/or reckless disregard for the rights of the Decedent and/or  
2 Plaintiffs. Therefore, Plaintiffs pray for an award of punitive  
3 damages in amounts to be determined according to proof.

4 40. Plaintiffs are also entitled to recover their  
5 attorneys' fees and costs pursuant to 42 U.S.C. Sections 1983  
6 1988.

7 41. As successors of the Decedent, Plaintiffs have  
8 standing pursuant to California Code of Civil Procedure Section  
9 377.60 to assert this claim for relief.

10 WHEREFORE, Plaintiffs pray for relief as hereinafter set  
11 forth.

12 SECOND CLAIM FOR RELIEF

13 (42 U.S.C. SECTION 1983)  
14 (PLAINTIFFS INDIVIDUALLY AGAINST  
15 DEFENDANTS YOELL, CENTENO, DOES 1-100)

16 42. Plaintiffs incorporates by reference and re-  
17 alleges herein Paragraphs 1 through 41.

18 43. In doing the acts complained of herein,  
19 Defendants YOELL, CENTENO, DOES 1 through 100, individually  
20 and/or while acting in concert with one another, did act under  
21 color of state law to deprive the Plaintiffs, as alleged  
22 heretofore, of certain constitutionally protected rights,  
23 including, but not limited to, the right to continued familial  
24 association, society, comfort, affection, support and  
25 companionship of the Decedent as guaranteed by the First and/or

1 Fourteenth Amendments to the United States Constitution.

2 44. As a result of the violation of the Plaintiffs'  
3 constitutional rights as alleged herein, Plaintiffs suffered and  
4 will continue to suffer in the future, injuries and damages,  
5 including, but not limited to, loss of comfort, affection,  
6 society, support, companionship and familial association of the  
7 Decedent, pain, suffering and emotional distress, funeral and  
8 burial expenses, medical and/or related expenses, loss of income  
9 and/or support, in amounts to be determined according to proof.

10 45. The acts and/or omissions of Defendants YOELL,  
11 CENTENO and/or DOES 1-100 and/or each of them, were intentional,  
12 malicious, oppressive and/or done with a conscious, callous  
13 and/or reckless disregard for the rights of the Decedent and/or  
14 Plaintiffs. Therefore, Plaintiffs pray for an award of punitive  
15 damages in amounts to be determined according to proof.

16 46. Plaintiffs are also entitled to recover their  
17 attorneys' fees and costs pursuant to 42 U.S.C. Sections 1983  
18 1988.

19 WHEREFORE, Plaintiffs pray for relief as hereinafter set  
20 forth.

21 THIRD CAUSE OF ACTION  
22 (42 U.S.C. SECTION 1983)  
(AGAINST CITY OF OAKLAND, DEFENDANT WORD, DOES 1-100)

23 47. Plaintiffs incorporate by reference and re-  
24 alleges herein Paragraphs 1 through 46.

1           48. As against Defendant CITY OF OAKLAND and/or  
2 Defendant WORD and/or DOES 1-100 in his/their capacity as  
3 official policy-maker(s) for the CITY OF OAKLAND and/or in  
4 Defendant WORD's individual capacity, the Plaintiffs, and each of  
5 them, further allege that the acts and/or omissions alleged in  
6 the Complaint herein are indicative and representative of a  
7 repeated course of conduct by members of the CITY OF OAKLAND  
8 Police Department tantamount to a custom, policy or repeated  
9 practice of condoning and tacitly encouraging the use of  
10 excessive force and the disregard for the constitutional rights  
11 of citizens.

12           49. Plaintiffs are further informed and believes and  
13 thereon alleges that the acts and/or omissions alleged herein are  
14 the direct and proximate result of the deliberate indifference of  
15 Defendants CITY OF OAKLAND, WORD, DOES 1-100, and each of them,  
16 to repeated acts of police misconduct which were tacitly  
17 authorized, encouraged or condoned by the CITY OF OAKLAND,  
18 Defendant WORD, DOES 1-100, and each of them.

19           50. The injuries to the Plaintiffs and/or Decedent  
20 were the foreseeable and proximate result of said customs,  
21 policies, patterns and/or practices of Defendant CITY OF OAKLAND,  
22 Defendant WORD and/or DOES 1-100, and each of them.

23           51. Plaintiffs are further informed and believe and  
24 thereon allege that the damages sustained by Plaintiffs and/or



1 the Decedent as alleged herein were the direct and proximate  
2 result of municipal customs and/or policies of deliberate  
3 indifference in the training, supervision and/or discipline of  
4 members of the CITY OF OAKLAND Police Department.

5 52. Plaintiffs are further informed and believe and  
6 upon such information and belief allege that the damages and  
7 injuries suffered by the Plaintiffs and/or by the Decedent, were  
8 caused by customs, policies, patterns or practices of the CITY OF  
9 OAKLAND, Defendant WORD, DOES 1-100, and each of them, of  
10 deliberate indifference in the training, supervision and/or  
11 discipline of Defendants YOELL, CENTENO, DOES 1-100, and/or each  
12 of them.

13 53. The aforementioned customs, policies or practices  
14 of Defendant CITY OF OAKLAND, Defendant WORD, DOES 1-100, and  
15 each of them, resulted in the deprivation of the constitutional  
16 rights of the Decedent, including, but not limited to, the  
17 following:

18 (a) the right not to be deprived of liberty without Due  
19 Process of Law;

20 (b) the right to be free from unreasonable searches and/or  
21 seizures;

22 (c) the right to be free from pre-trial punishment;

23 (d) the right to be free from discrimination based on race  
24 and/or gender; and/or

1 (e) the right to Equal Protection of the Law.

2 54. Said rights are substantive guarantees under the  
3 Fourth and/or Fourteenth Amendments to the United State  
4 Constitution.

5 55. As the children of the Decedent, Plaintiffs have  
6 standing to assert this claim as successors of the Decedent  
7 pursuant to California Code of Civil Procedure Section 377.60

8 56. The aforementioned customs, policies or practices  
9 of Defendant CITY OF OAKLAND, Defendant WORD, DOES 1-100, and  
10 each of them, resulted in the deprivation of the constitutional  
11 rights of the Plaintiffs, including, but not limited to, the  
12 right to continued familial association, society, comfort,  
13 affection, support and companionship of the Decedent as  
14 guaranteed by the First and/or Fourteenth Amendments to the  
15 United States Constitution

16 WHEREFORE, Plaintiffs pray for relief as hereinafter set  
17 forth.

18 STATEMENT OF DAMAGES

19 57. Plaintiffs incorporate by reference and re-allege  
20 herein Paragraphs 1 through 56.

21 58. As a result of the acts and/or omissions of  
22 Defendants, and each of them, as alleged herein, Plaintiffs, as  
23 successors in interest to MAURICE ESTERS, are entitled to recover  
24 the damages and injuries sustained by the Decedent, including

1 but not limited to:

2 a. General damages, including, but not limited to,  
3 damages for pain, suffering, emotional distress, loss of  
4 enjoyment of life, loss of the familial relationship, comfort  
5 society, affection and support of the Plaintiffs in amounts to be  
6 determined according to proof;

7 b. Special damages, including, but not limited to,  
8 damages for future income and lost wages; burial and funeral  
9 expenses, medical and/or related expenses in amounts to be  
10 determined according to proof.

11 59. As a result of the acts and/or omissions of  
12 Defendants, and each of them, as alleged herein, Plaintiffs  
13 incurred damages and injuries including, but not limited to:

14 a. General damages, including, but not limited to,  
15 damages for pain, suffering, emotional distress, loss of the  
16 familial relationship, comfort, society, affection and support of  
17 the Decedent in amounts to be determined according to proof;

18 b. Special damages, including, but not limited to,  
19 damages for future income and support; burial and funeral  
20 expenses, medical and/or related expenses in amounts to be  
21 determined according to proof.

22 60. The acts and/or omissions of Defendants YOELL,  
23 CENTENO, DOES 1-100, and/or each of them, were intentional,  
24 malicious, oppressive and/or done with a conscious or reckless

disregard for the rights of the Decedent and/or Plaintiffs. Accordingly, Plaintiffs pray for an award of punitive and exemplary damages in amounts to be determined according to proof.

61. Plaintiffs will also be entitled to an award of attorneys' fees and costs pursuant to statute(s) in the event that they are the prevailing parties in this action under 42 U.S.C. Section 1983, 1988 and/or under other statutes and/or laws.

#### JURY TRIAL DEMAND

62. Plaintiffs hereby demand a jury trial.

#### STATEMENT OF INTERESTED PARTIES

63. Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties in this action, there is no such interest to report.

#### PRAYER

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

1. General damages to be determined according to proof;
2. Special damages, including but not limited to, past, present and/or future wage loss, income and support, medical and related expenses, funeral and burial expenses in amounts to be determined according to proof;
3. Attorneys' fees pursuant to statutes;
4. Costs of suit;

1           5.     Punitive and exemplary damages in amounts to be  
2 determined according to proof as to Defendants YOELL, CENTENO  
3 and/or DOES 1-100, and/or each of them;

4           6.     For prejudgment interest as permitted by law;

5           7.     For such other and further relief as the Court may deem  
6 just and proper.

7 DATED: June \_\_, 2001

\_\_\_\_\_  
8 JOHN L. BURRIS  
9 Attorney for Plaintiffs  
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